

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMIME PERALES FLORES,

Plaintiff,

NO. CV-06-166-MWL

VS.

WALLA WALLA POLICE,

## Defendants.

ORDER ADOPTING REPORT AND  
RECOMMENDATION, DENYING  
APPLICATION TO PROCEED *IN FORMA  
PAUPERIS* AND DISMISSING ACTION

Magistrate Judge Leavitt Imbrogno filed a Report and

Recommendation on August 29, 2006, recommending Mr. Perales Flores's application to proceed *in forma pauperis* be denied and the action dismissed as Plaintiff's allegations were legally frivolous. See *O'Loughlin v. Doe*, 920 F.2d 614, 617 (9th Cir. 1990); *Tripathi v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369-70 (9th Cir. 1987) ("A district court may deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.").

Nothing in federal law precludes local law enforcement officials from arresting individuals for violations of 8 U.S.C. § 1325. There being no objections, the court **ADOPTS** the Report and Recommendation. The Application to Proceed *in forma pauperis* (Ct. Rec. 2) is **DENIED**.

ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS* AND DISMISSING ACTION -- 1

1 and the action is **DISMISSED with prejudice.**

2 **IT IS SO ORDERED.** The District Court Executive is directed to  
3 enter this Order, enter judgment, forward a copy to Plaintiff at his  
4 last known address and close the file.

5 **DATED** this 2nd day of October, 2006.

6  
7 s/ Fred Van Sickle  
8 FRED VAN SICKLE  
UNITED STATES DISTRICT JUDGE  
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